

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TESLA, INC., a Delaware corporation,

Plaintiff,

v.

RUTH JOHNSON, in her official capacity as
Secretary of State and Chief Motor Vehicle
Administrator, BILL SCHUETTE, in his
official capacity as Attorney General, and
RICK SNYDER, in his official capacity as
Governor,

Defendants.

Case No. 16-cv-01158

Hon. Janet T. Neff

Hon. Ellen S. Carmody

**TESLA, INC.'S MOTION TO COMPEL
DEFENDANTS AND/OR SENATOR
HUNE AND REPRESENTATIVE
SHEPPARD TO PRODUCE
LEGISLATOR DOCUMENTS**

ORAL ARGUMENT REQUESTED

Tesla, Inc. moves under Federal Rule of Civil Procedure 37 to compel non-parties Senator Hune and Representative Sheppard or, alternatively, Defendants, Ruth Johnson, Bill Schuette, and Rick Snyder, to produce certain documents from Senator Hune and Representative Sheppard that are in the legislators' and Defendants' possession. Tesla initially requested these documents from Defendants. (First Set of Requests for Production of Documents, attached as Exhibit A.) At Defendants' request, Tesla then sought the same documents by serving third-party subpoenas on Senator Hune and Representative Sheppard. (Hune Third-Party Document Subpoena, attached as Exhibit B; Sheppard Third-Party Document Subpoena, attached as Exhibit C.) Both Defendants and the subpoenaed legislators have refused to produce the documents, and the legislators have now filed a motion to quash. For the reasons set forth in Tesla's Brief in Support, filed concurrently herewith, Tesla is entitled to the requested documents, either from Defendants, from Senator Hune and Representative Sheppard, or all of the above. Accordingly, Tesla's Motion to Compel should be granted.

Pursuant to Local Rule 7.1(d), Tesla met and conferred with counsels for Defendants and the legislators to seek their concurrence in the relief requested. Counsels for both parties respectfully declined.

Dated: May 23, 2017

/s/ John J. Bursch

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2017 I electronically filed the foregoing motion with the Clerk of the Court using the ECF system which will send notification of such filing of the foregoing document to all counsel of record.

/s/ John J. Bursch

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